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BEFORE THE DEPT. OF TRANSPORTATION
DEPARTMENT OF TRANSPORTATION TICKETS
WASHINGTON, D.C.

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U.S.-U.K. ALLIANCE CASE

Docket OST-01-11029 -50

EMERGENCY JOINT MOTION OF AMERICAN AIRLINES, INC AND
BRITISH AIRWAYS PLC TO LIMIT ACCESS TO CONFIDENTIAL
MATERIALS

Communications with respect to this document should be sent to:

For British Airways:

JOHN WOOD
Executive Vice President,
External Affairs, Americas
British Airways Plc
1850 K Street, N.W.
Suite 300
Washington, D.C. 20006

PAUL C. JASINSKI
General Counsel, Americas
JAMES B. BLANEY
Senior Counsel, Americas
British Airways Plc
75-20 Astoria Blvd.
Jackson Heights, NY 11370
718-397-4250
718-397-4268 (fax)

For American Airlines:

HENRY C. JOYNER
Senior Vice President - Planning
American Airlines, Inc.
P.O. Box 619616, MD 5628
DFW Airport, TX 75261

C. DAVID CUSH
Vice President - International Affairs
and Alliances
American Airlines, Inc.
P.O. Box 619616, MD 5635
DFW Airport, TX 75261

DARYL A. LIBOW
Sullivan & Cromwell
1701 Pennsylvania Avenue, N.W., Suite 800
Washington, DC 20006
202-956-7650
202-293-6330 (fax)
libowd@sullcrom.com (email)

DON H. HAINBACH
Boros & Garofalo, P.C.
1201 Connecticut Avenue, N.W.
Washington, D.C. 20036
202-822-9070
202-822-9075
dhainbach@bgairlaw.com (email)

WILLIAM K. RIS, JR.
Senior Vice President - Government Affairs
American Airlines, Inc.
1101 17th Street, N.W., Suite 600
Washington, DC 20036

MARK C. SCHECHTER
Howrey Simon Arnold & White LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
202-783-0800
202-383-6610 (fax)
schechterm@howrey.com (email)

J. OTTO GRUNOW
Managing Director - International Affairs
American Airlines, Inc.
P.O. Box 619616, MD 5639
DFW Airport, TX 75261
817-931-4426

CARL B. NELSON, JR.
Associate General Counsel
GREG A. SIVINSKI
Senior Attorney
American Airlines, Inc.
1101 17th Street, N.W., Suite 600
Washington, DC 20036
202-496-5647
202-857-4246 (fax)
carl.nelson@aa.com (email)

December 20, 2001

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

U.S.-U.K. ALLIANCE CASE

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Docket OST-01-11029

EMERGENCY JOINT MOTION OF AMERICAN AIRLINES, INC.
AND BRITISH AIRWAYS TO LIMIT ACCESS TO CONFIDENTIAL
MATERIALS

American Airlines, Inc. and British Airways Plc hereby jointly move for immediate issuance of an order denying Richard H. Anderson, CEO of Northwest Airlines, Inc. access to all confidential materials filed by American and British Airways in Dockets 10387 and 11029 pursuant to 14 CFR 302.12. As chief executive officer, Mr. Anderson is the foremost commercial decision maker at Northwest, and cannot realistically function as “counsel” on behalf of his company (or himself) in this proceeding. While American and British Airways have been tolerant of the 26 affidavits filed thus far by Northwest representatives, including its president, to now add the chief executive officer at this late date would make a mockery of the affidavit process.


Northwest filed Mr. Anderson’s affidavit on December 18, four months after the Department first permitted interested parties access to the applicant’s confidential materials, after Northwest filed its Supplemental Answer and only three days before final replies are due. It is beyond belief that Mr. Anderson’s eleventh hour participation is required or intended to


supplement the efforts of the 26 attorneys and consultants who previously filed confidentiality affidavits on behalf of Northwest.

The confidential materials submitted by American and British Airways include each company's most competitively sensitive strategic planning documents. No matter how well intentioned, Mr. Anderson will not be able to ignore the confidential knowledge he obtains when making strategic decisions for Northwest, which competes directly with both American and British Airways.

The Department should not allow its confidential procedure to be abused because Mr. Anderson happens to be an attorney. It should immediately order Mr. Anderson to not review or discontinue reviewing the applicants' confidential materials.

Respectfully submitted,


PAUL C. JASINSKI
General Counsel, Americas
JAMES B. BLANEY
Senior Counsel, Americas
British Airways Plc



CARL B. NELSON, JR.
Associate General Counsel
GREG A. SIVINSKI
Senior Attorney
American Airlines, Inc.

December 20, 2001

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing joint motion by first-class mail, postage pre-paid, on all persons named on the attached service list.


Don H. Hainbach

December 20, 2001

SERVICE LIST

R. Bruce Keiner
Crowell & Moring LLP
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Rebecca L. Taylor
Leftwich & Douglas, PLLC
1401 New York Avenue, N.W.
Washington, DC 20005

Robert E. Cohn
Alexander Van der Bellen
Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20037

David S. Stempler
Air Travelers Association
5335 Wisconsin Avenue, N.W.
Suite 440
Washington, DC 20015

Megan Rae Rosia
Associate General Counsel
Northwest Airlines, Inc.
901 15th Street, N.W.
Suite 310
Washington, D.C. 20005

Kevin P. Mitchell
Chairman
Business Travel Coalition
314 Grouse Lane
Suite 210
Radnor, PA 19087

Jeffrey A. Manley
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, D.C. 20037

Barry K. Humphreys
Director, External Affairs
And Route Development
Virgin Atlantic Airways Ltd.
The Office, Manor Royal
Crawley RH 203 NU
United Kingdom

Edward P. Faberman
Michelle M. Faust
Air Carrier Association of
America
1500 K Street, N.W.
Suite 250
Washington, DC 20005

Michael F. Goldman
Silverberg, Goldman &
Bikoff, LLP
1101 30th Street, N.W.
Suite 120
Washington, D.C. 20007

Roger W. Fones
Antitrust Division
Department of Justice
325 7th Street, N.W.
Washington, D.C. 20520

Donald T. Bliss
O'Melveny & Myers LLP
555 13th Street, N.W.
Suite 500 West
Washington, D.C. 20004

Richard P. Taylor
Steptoe & Johnson LLP
1330 Connecticut Ave., N.W.
Washington, D.C. 20036

Jan K. Brueckner
Department of Economics
University of Illinois
at Champaign-Urbana
Champaign, IL 61820

Office of Aviation
Negotiations
Department of State
2201 C Street, N.W.
Room 5531
Washington, D.C. 20520

Janusz A. Ordovery
131 Hemlock Hill Road
New Canaan, CT 06840

Edgar N. James
Marie Chopra
James & Hoffman, P.C.
1101 17th Street, N.W.
Suite 510
Washington, D.C. 20036

Milena Novy-Marx
Senior Economist
AES Consulting, LLC
1388 Sutter Street
Suite 650
San Francisco, CA 94109

Director of Flight Standards
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, DC 20591

U.S. Transcom/TCJ5
Attention: Air Mobility
Analysis
508 Scott Drive
Scott AFB, IL 62225

First Secretary (Transport)
British Embassy
3100 Massachusetts Ave., N.W.
Washington, D.C. 20008

Burton J. Rubin
General Counsel
Paul M. Ruden
Senior Vice President
American Society of Travel
Agents, Inc.
110 King Street
Alexandria, VA 22314

Robert D. Papkin
Squire, Sanders & Dempsey,
LLP
1201 Pennsylvania Ave., N.W.
Suite 400
Washington, D.C. 20004

M. Rush O'Keefe, Jr.
Vice President-Regulatory Affairs
Sarah S. Prosser
Managing Director
Nancy S. Sparks
Managing Director
Federal Express Corporation
3620 Hacks Cross Road
Building B, 3rd Floor
Memphis, TN 38125